



February 14, 2013

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President Issues an Executive Order on Cybersecurity

By [Bill Cobb](#) and [Anna Trimble](#)

On February 12, 2013, President Barack Obama signed an Executive Order on cybersecurity designed to defend the nation's critical infrastructure. By-passing Congress—which could not agree on a legislative proposal—the President justified his unilateral action to confront the "growing threat from cyber-attacks."

"We know hackers steal people's identities and infiltrate private e-mail," he said. "We know foreign countries and companies swipe our corporate secrets. Now our enemies are also seeking the ability to sabotage our power grid, our financial institutions, and our air traffic control systems."

The Executive Order will result in the promulgation of voluntary new standards—the cybersecurity framework—which is intended to be technology-neutral. The framework is focused on closing security gaps in the computer networks of crucial parts of the country's energy infrastructure, including the electric grid, gas lines, water treatment plants, and the nation's transportation networks. The EO further encourages Federal agencies to share information with private companies on potential cyber threats.

Notwithstanding his Executive Order, the President urged Congress to pass legislation granting the federal government "a greater capacity to secure networks and deter attacks." Congress has debated the merits of two cybersecurity bills. The Cybersecurity Act of 2012 requires the Department of Homeland Security to identify private owners of infrastructure considered critical and requires them to adopt a new cybersecurity framework proposed by DHS. The Cyber Intelligence Sharing and Protection Act, or CISPA, grants broad legal protection to companies choosing to share private information to the government, and permits the National Security Agency, normally restricted to foreign intelligence, to collect data domestically. At this time, it is not clear that Congress will act on either piece of legislation.

The President's action follows on several high-profile cyberattacks against government agencies and major media outlets. In the last few weeks, the Federal Reserve, the Department of Energy, and the *New York Times* and *Wall Street Journal* have revealed their networks were breached by hackers.

[CLICK HERE](#) to read a copy of the Executive Order.

If you have any questions about this e-Alert, contact [Bill Cobb](#) at 512.236.2326 or bcobb@jw.com or [Anna Trimble](#) at 512.236.2381 or atrimble@jw.com.

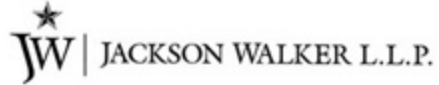
Is your company prepared to respond to a cyberattack or data breach? Contact us about obtaining a cybersecurity crisis audit. In

the event of a data breach or cyberattack, ask for the JW cybersecurity response SWAT team.

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